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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Wagner, et al.

Examiner: G. Ewold

Serial No.: 09/436,076

Art Unit: 1644

Filing Date: November 8, 1999

For: Methods for Treating and Preventing Atherosclerosis

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, Washington, D.C. 20231 on February 11, 2002.

  
Patricia McKenney

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Dear Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

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This is in response to the Office Action of November 16, 2001, in the above-identified patent application.

**REMARKS**

In the Office Action of November 16, 2001, claims 40-41, 45, 49-52, 56, 59-60, 73-74 were subject to restriction under 35 U.S.C. § 121. As a result of the restriction requirement, the Examiner has divided the claims into some 13 groups (Groups I-XIII) which are alleged to constitute patentably different methods requiring patentably distinct ingredients. The Examiner further alleges that the agents used in the claims require non-coextensive searches since their structure and mode of operation is different.

However, applicants note that several of the groups can be searched in the same class and subclass. For instance, Group IV, drawn to methods for treating atherosclerosis or restenosis wherein the PSGL is PSGL-1, is classified in Class 514, subclass 2. Similarly, Group V, VI and

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